

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>HERMAN POTTER,</b>	)	<b>CASE NO. 4:06CV648</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>AWARD OF ATTORNEY FEE</b>
	)	<b>PURSUANT TO THE EAJA</b>
<b>MICHAEL J. ASTRUE, as</b>	)	
<b>Commissioner for the Social Security</b>	)	
<b>Administration,</b>	)	
	)	
<b>Defendant.</b>	)	

On October 11, 2007, the Court entered a Judgment reversing the decision of the Administrative Law Judge and remanding the case for further proceedings consistent with the Court's Memorandum and Order.

Counsel for Plaintiff Herman Potter filed an application for attorney's fees that is supported by the affidavit of counsel, Julie A. Frank. (Filing No. 23.) Attorney Frank seeks fees in the amount of \$4,355.00, representing 26 hours of work. The Defendant concedes that this is the kind of case in which an award of fees is justified and the Defendant does not object to the amount of fees requested.

The Court remanded this case pursuant to sentence four of 42 U.S.C. §405(g), and therefore, the Plaintiff is a "prevailing party" who is entitled to a reasonable attorney fee award. The law requires that the requested fee be "reasonable." 28 U.S.C. § 2412(d)(2)(A). The Court has conducted an independent evaluation of the statement for professional services by considering the hourly rate charged by the attorney and has analyzed the number of hours expended on the case and the type of work performed and has determined that 26 hours of attorney time for this case is reasonable. *See Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983).

The affidavit offered in support of the application states that the hourly rate claimed for the attorney work is \$167.50 (Filing No. 27, Exhibit A, Affidavit of Counsel, ¶¶ 9.) The Court finds that the hourly rate claimed by the attorney is reasonable given her expertise in the area of social security benefits law and other attorney fee awards that have been approved as reasonable by this Court in similar cases.

The Court concludes that the application should be approved in the amount of \$4,355.00 representing a reasonable attorney fee under the EAJA and the facts of this case. Accordingly,

IT IS ORDERED:

Plaintiff's Motion for Attorney Fees (Filing No. 23) is granted. Plaintiff is awarded a reasonable attorney fees in the amount of \$4,355.00 to be paid by Defendant directly to Plaintiff's counsel, Julie A. Frank.

DATED this 20<sup>th</sup> day of December, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge